UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1994/SR.37/Add.1
2 September 1994

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-sixth session

SUMMARY RECORD OF THE 37th MEETING (SECOND PART*)

Held at the Palais des Nations, Geneva,
on Friday, 26 August 1994, at 4.45 p.m.

Chairman: Mrs. ATTAH

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* The summary record of the first part of the meeting appears as document E/CN.4/Sub.2/1994/SR.37.

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GE.94-14226 (E)

The public meeting was called to order at 4.45 p.m.

REVIEW OF THE WORK OF THE SUB-COMMISSION (agenda item 3) (continued)

1. The CHAIRMAN reminded members of Mr. Lindgren Alves' proposal that item 6 should be given consideration early in the Sub-Commission's session.

2. Mr. LINDGREN ALVES restated his proposal in simplified form: the Sub-Commission would decide, without a vote, to adopt the report of its sessional working group on its methods of work and, on an experimental basis, item 6 should be considered as soon as the agenda was adopted.

3. Mr. KHAN said that he was in favour of considering item 6 early in the proceedings. In that way, the time available for lobbying would be curtailed and the members would be better able to tackle that often contentious item.

4. Mr. IBARRA said he agreed that item 6 should be given high priority, but feared that the vital participation of the NGOs would not be ensured if the item was discussed as soon as the agenda was adopted.

5. Mr. FIX ZAMUDIO supported Mr. Lindgren Alves' proposal, which, in his view, did not limit the participation of the NGOs but, rather, gave it priority.

6. Ms. CHAVEZ said that, while the participation of NGOs in the consideration of item 6 was vital, consultation with Governments was also very important in that context. She suggested that, as a compromise, the item should be placed high on the agenda and considered early in the proceedings but that any decisions under the item should be taken during the third week of the session in order to allow enough time for adequate consultation.

7. Mr. DECAUX, agreeing with Ms. Chavez, said that ample time should be allowed to discuss and consult with NGOs and Governments.

8. Ms. FERRIOL ECHEVARRIA said that she had difficulty in supporting a proposal which in effect eliminated lobbying by the various parties interested in the matters discussed under item 6. She suggested that Mr. Lindgren Alves might submit a recommendation on the question to the Bureau of the Sub-Commission at its following session.

9. Mr. FAN Guoxiang said that item 6 should be given not first priority but last priority. The Sub-Commission should avoid taking a hurried decision on the matter at the very end of its session and he proposed that it should postpone consideration of the question until the following year.

10. The CHAIRMAN pointed out that Mr. Lindgren Alves was proposing a course of action to be taken on a one-year experimental basis, after which it would be decided whether or not to continue the experiment. Since it was important for NGOs to know exactly when item 6 would be discussed, a decision should be taken immediately.

11. Mr. LINDGREN ALVES, said that the misgivings expressed by Mr. Ibarra were unfounded. In response to Mr. Fan, he remembered that he had never proposed any particular order of priorities but that enough time should be allowed

for adequate examination of the issues. In answer to Ms. Chavez, he pointed out that, if the discussion on item 6 took place at the beginning of the session and the adoption of decisions towards the end of the session, the Sub-Commission would be in a worse situation than at present. In conclusion, he did not wish to amend his proposal, and called for a vote if no consensus could be reached on it.

12. Mr. BOSSUYT proposed that a vote should be taken on Mr. Lindgren Alves' proposal.

13. Mr. Lindgren Alves' proposal was adopted by 14 votes to 5, with 1 abstention.

CONSIDERATION OF THE FUTURE WORK OF THE SUB-COMMISSION AND OF THE DRAFT PROVISIONAL AGENDA FOR THE FORTY-SEVENTH SESSION OF THE SUB-COMMISSION (agenda item 21)

ADOPTION OF THE REPORT ON THE FORTY-SIXTH SESSION (E/CN.4/Sub.2/1994/L.10 and Addenda; E/CN.4/Sub.2/1994/L.11 and Addenda) (agenda item 22)

14. Mr. LEBAKINE (Secretariat) read out the nominations received by the Secretariat for the pre-sessional working groups of the Sub-Commission, which were the following:

Working Group on Communications

Asia:	Mr. Fan Guoxiang Mr. Khan (alternate)
Africa:	Mr. Yimer Mr. Guissé (alternate)
Latin America:	Mrs. Forero Ucros Mr. Fix Zamudio (alternate)
Western Europe:	Mrs. Palley
Eastern Europe:	Mr. Ramishvili

Working Group on Indigenous Populations

Asia:	Mr. Hatano Mr. El-Hajje (alternate)
Africa:	Mrs. Attah Mr. Ramadhane (alternate)
Latin America:	Mr. Alfonso Martínez Mr. Bengoa (alternate)
Western Europe:	Ms. Daes
Eastern Europe:	Mr. Boutkevitch

Working Group on Contemporary Forms of Slavery

Asia:	Mr. ul-Hakim
Africa:	Mrs. Warzazi Mrs. Gwanmesia (alternate)
Latin America:	Mr. Lindgren Alves Ms. Ferriol Echevarría (alternate)
Western Europe:	Ms. Chavez
Eastern Europe:	Mr. Maxim.

15. The CHAIRMAN said she took it that the nominations read out by Mr. Lebakine met with the Sub-Commission's approval.

16. It was so decided.

17. Mr. EIDE, recalling that a resolution had been adopted for the establishment of a Working Group on Minorities, suggested that members should also be nominated provisionally to that Working Group. After consultation, members had so far been nominated for three regions, namely:

Latin America:	Mr. Bengoa
Africa:	Mr. Khalil
Western Europe:	Mr. Eide.

He gathered that consultations had not yet been held to nominate members for the other two regions.

18. The CHAIRMAN suggested that note should be taken of Mr. Eide's proposal concerning the Working Group on Minorities and announced that the draft agenda for the next session was not yet ready but would be sent to the experts well in advance as part of the report on the current session.

19. Mr. HATANO nominated Mr. Khan as the representative of Asia on the Working Group on Minorities.

20. Mr. MAXIM said that the Eastern European Group would transmit the name of its nominee for that Working Group to the Secretariat and Mr. Eide, in due course.

21. Mr. EL-HAJJE (Rapporteur) said that the report of the forty-sixth session was not completely ready for presentation to the Sub-Commission because it had fallen behind in its proceedings. Since the report was a technical one, he suggested that he should be allowed to prepare the final version and the provisional agenda for the next session, as had been done at previous sessions. The report would be completed and approved by him as soon as possible and then circulated to all the experts for their comments before the final version was issued.

22. It was so decided.

23. The CHAIRMAN suggested that the Sub-Commission should send a message of support to Mr. Alejandro Despouy.

24. It was so decided.

25. Mr. EIDE said that, in preparation for the joint meeting to held in 1995 with the Committee on the Elimination of Racial Discrimination (CERD), he was willing to prepare a short working paper as a basis for the discussion.

26. The CHAIRMAN thanked Mr. Eide for his offer and entrusted him with the preparation of the document mentioned, which would be transmitted to the secretariat of CERD, for its consideration, in March 1995.

27. The meeting was suspended at 5.30 p.m. and resumed at 5.40 p.m.

STATEMENT BY THE HIGH COMMISSIONER FOR HUMAN RIGHTS

28. The CHAIRMAN welcomed the High Commissioner for Human Rights, Mr. Ayala Lasso, and invited him to address the meeting.

29. Mr. AYALA LASSO (High Commissioner for Human Rights) said that he wished to brief the Sub-Commission on his recent visit to three African countries. In Burundi, which he had visited on 18 and 19 August 1994, his main aim had been to strengthen the human rights technical assistance programme begun there in June. The favourable response of the donor community to the appeal launched in Geneva in May for $1.2 million for the Burundi initial technical cooperation programme was an indication of strong support and a guarantee of further funding for activities in that field.

30. In his meetings with the President of Burundi and other government officials, he had indicated that all the areas of the technical assistance programme in the field of human rights already agree upon could be strengthened. They included training and educational activities, particularly for the judiciary, police, gendarmerie and military, and advisory services of experts on human rights.

31. The Government of Burundi had welcomed his proposal to increase the number of international staff members at the Bujumbura office to 10. Such an enhanced programme of technical cooperation in the field of human rights came at a time of great political volatility in Burundi which necessitated rapid action. It could play a useful moderating role in the political process, especially with regard to the regularization of the presidency, and could serve as a deterrent to violations of human rights. Furthermore, the increased United Nations human rights presence in Burundi could help to avoid the tragedy of Rwanda, in so far as it would be a part of the humanitarian assistance effort of the United Nations systems.

32. The main purpose of his visit to Rwanda on 20 and 21 August 1994, had been to strengthen the human rights observers' presence there in keeping with the mandate of the Special Rapporteur established by the Commission on Human Rights and of the Commission of Experts. The President had stressed that respect for human rights was a priority of his Government and had welcomed the High Commissioner's proposals for advisory services and technical cooperation.

He had agreed on the urgency of a recommendation by the Commission of Experts on the issue of the international tribunal. However, there was an equally urgent need for a reliable judiciary which would work closely with the international tribunal. The President had also indicated his full support for early programmes of technical assistance in the field of human rights, for the judiciary as well as the military, the police and the gendarmerie. He had agreed to an increase in the number of human rights observers in Rwanda from 26 to 147, with a mandate to implement confidence-building measures to facilitate the early return of refugees and displaced people, to investigate massacres and other human rights violations and to implement the technical cooperation programme.

33. During his stay in Malawi, from 22 to 24 August, he had met the President and senior government officials. He and the Vice-President had signed a joint declaration of cooperation between the Office of the High Commissioner for Human Rights and the Government of Malawi to provide advisory services and technical cooperation in the field of human rights. The programme was to last for two years, beginning 1 October 1994, and covered several priority areas such as constitutional reform, assistance to the judiciary, training for the police and the military and human rights teaching in primary schools. The programme also envisaged the creation of an office of the High Commissioner for Human Rights in Lilongwe, at a cost of approximately US$ 1.6 million.

34. The President had indicated to the High Commissioner that Malawi was committed to human rights and would make respect for human rights a reality for all and had stressed that his Government gave priority to poverty alleviation programmes. Malawi was a country that had made the transition from authoritarianism to democracy and the rule of law and the international community had a moral obligation to support the needs identified, with the Government, in the field of human rights.

35. In his capacity as High Commissioner for Human Rights, he intended to establish a permanent dialogue with the Sub-Commission and would welcome suggestions as to how he could best assist in meeting the common challenges in the field of human rights. In that connection, he welcomed the resolutions of the Sub-Commission on the situation in Rwanda and Burundi and thanked the members for their encouragement and support for his action in those countries. In the face of the difficulties in promoting and protecting human rights, it was a great asset for the United Nations to have a think-tank whose work was devoted exclusively to furthering human rights.

36. He congratulated the Working Group on Indigenous Populations and the representatives of indigenous people on the adoption and submission to the Commission on Human Rights of the draft declaration on the rights of indigenous peoples. He also congratulated Mrs. Ksentini for her report on human rights and the environment and Mr. Chernichenko and Mr. Treat for their report on the right to a fair trial.

37. With regard to the Sub-Commission's work on prevention of discrimination, the proposed world conference against racism, racial and ethnic discrimination, xenophobia and other related contemporary forms of intolerance would, if the recommendation was approved, provide an excellent opportunity to consider strategies for tackling one of the most pressing social issues of the modern age.

38. The Sub-Commission had also declared its intention to ensure a comprehensive examination of thematic issues relating to racism, xenophobia, minorities and migrant workers. If its recommendation to the Commission on Human Rights and the Economic and Social Council for the establishment of an intersessional working group on minorities was accepted, his office would welcome the insights that such a working group could offer on the practical application of the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Such initiatives could be of great help to the United Nations, and the Secretary-General in particular, in increasing the effectiveness of United Nations action in resolving conflicts before they erupted into full-fledged violence and war.

39. Turning to other areas of the Sub-Commission's work, he mentioned briefly the key debate on and the study of the implications of humanitarian activities for the enjoyment of human rights, as well as the recognition of gross and large-scale violations of human rights as an international crime. With regard to the realization of economic and social rights, he had taken note of the Sub-Commission's request to his Office to take those rights fully into consideration in carrying out its mandate and he would give them full and continuous attention. As for the organization of its work, the Sub-Commission had established greater clarity in the interpretation of its guidelines adopted in 1992 and had brought the number of ongoing studies it wished to undertake to 13, but despite those measures its workload was still too heavy.

40. The World Conference on Human Rights had laid the foundation of a new strategy for the protection and promotion of human rights. In his view, the Sub-Commission had taken some important steps, at the current session, to implement that strategy. For that, the members of the Commission were to be congratulated.

CLOSURE OF THE SESSION

41. The CHAIRMAN said that she was dissatisfied with the manner in which the Sub-Commission had been forced to function at its current session. It had not been given adequate support by the Conference Services Division, and had not been allowed to hold evening meetings. The working groups had been able to operate only at 50 per cent capacity because of the lack of interpretation services. As a result, important matters had received only cursory attention, with many members waiving their right to speak in order to save time. The Sub-Commission should resist any attempt to institutionalize that method of work.

42. Although the number of experts, NGOs and observer Governments had increased sharply, the Sub-Commission had not been granted additional meeting time. Some experts had even suggested that two sessions a year should be held. She requested the Secretariat to look into that question and to make suggestions as to how the Sub-Commission could make better use of the time available.

43. After an exchange of courtesies, the CHAIRMAN declared the forty-sixth session of the Sub-Commission closed.

The meeting rose at 6.35 p.m.